

REMARKS

The Final Office Action dated October 8, 2003, has been received and reviewed.

Claims 1 and 2 are currently pending and under consideration in the above-referenced application, both standing rejected.

Reconsideration of the above-referenced application is respectfully requested.

Obviousness-Type Double Patenting Rejection

Claims 1 and 2 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 2 of U.S. Patent RE 36,613. A terminal disclaimer and the appropriate fee are being filed herewith, in compliance with 37 C.F.R. § 1.321(b) and (c), to obviate the obviousness-type double patenting rejection, thereby expediting prosecution of the above-referenced application and avoiding further expense and time delay. The filing of a terminal disclaimer in the above-referenced application should not be construed as acquiescence of the obviousness-type double patenting rejection.

CONCLUSION

It is respectfully submitted that claims 1 and 2 are both allowable. An early notice of the allowability of each of these claims is respectfully solicited, as is an indication that the above-referenced application has been passed for issuance. If any issues preventing allowance of the above-referenced application remain which might be resolved by way of a telephone conference, the Office is kindly invited to contact the undersigned attorney.

Respectfully submitted,



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